

## REMARKS

Applicants respectfully request consideration of the subject application. This Response is submitted in response to the Office Action mailed August 23, 2007, claims 1-27 are pending. Claims 1-27 are rejected and claims 1, 15 and 18 are objected to. In this Amendment, claims 1, 4, 7, 11, 15, 17, 21 and 23-27 have been amended and claim 18 has been cancelled. No new matter has been added.

### Objections to the Claims

The Examiner objected to claims 1, 15 and 18 for various informalities. Applicants have amended claims 1 and 15 and cancelled claim 18. Applicants accordingly request withdrawal of the objections to the claims.

### Objections to the Specification

The Examiner objected to the specification as failing to provide support for limitations associated with a third party. Applicants have amended the specification to provide such support. No new matter has been added – the claims as originally filed provide support for the amendments. Applicants accordingly request withdrawal of the objections to the specification.

### 35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1-27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As discussed above, Applicants have amended the claims.

The Examiner submits that claims require the steps differing and suggests setting forth differing steps branches in the claim. Applicants disagree that differing steps are claimed. Instead, the input received and the way the information is provided differs depending on the option selected. However, regardless of which option is selected by the user, input is still received and information is still provided. Thus, Applicants disagree with the Examiner's characterization of claim 1 as involving differing steps/branches of a flowchart.

An image, badge and banner are clearly defined in the specification of the present application and are known terms in the art. Accordingly, Applicants have not amended claim 20 to clarify the difference between an image, badge and banner. In addition, the Examiner submits that it is unclear how an image can have two selectable options and submits that claim 20 requires that claim 20 requires that the claimed features are the options. Applicants disagree with the Examiner's interpretation of claim 20. Claim 20 relates to the displayable item – not the selectable options. Claim 20, instead, provides that the displayable item can include

many different items including an image, a hyperlink, a banner, etc, in addition to selectable options.

Regarding claims 6 and 21, the first party is the user and the second party is the World Wide Web site. In addition, Applicants note that the term "third party" has a well-known meaning. See, for example, dictionary.com, which defines "third party" as "any party to an incident, case, quarrel, etc., who is incidentally involved," or the American Heritage Dictionary, which defines "third party" as "one other than the principals involved in a transaction," and other such definitions. Accordingly, Applicants submit "third party" as used in claims 6 and 21 is clear.

Claims 26 and 27 have been amended to clarify that the delivery process is an electronic (i.e., computer-implementable) delivery process. In addition, Applicants note that the user interface/web site and/or the processor or server providing the user interface/web site can be the structure involved with delivering an advertisement that has options having an associated delivery process.

Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 112.

#### 35 U.S.C. § 101 Rejections

The Examiner has rejected claim 27 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended

claim 27. Applicants, accordingly, respectfully request withdrawal of the rejection under 35 U.S.C. § 101.

35 U.S.C. §103 Rejections

The Examiner has rejected claims 1-10, 12, 17-27 under 35 U.S.C. § 103(a) as being unpatentable over Stranberg, (U. S Patent No.: 6,330,243, hereinafter “Stranberg”), claims 11, and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Stranberg in view of Patterson (U. S Patent Publication No.: 2003/0028608, hereinafter “Patterson”), and claims 6, 10, 11, 13-16 and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Stranberg in view of Patterson and/or Patterson in view of Stranberg.

Stranberg is directed to an electronic customer service system. The electronic customer service system of Stranberg includes a user interface that has data entry fields for receiving information from a user. The data entry fields are for receiving input from the user – the input being user information, such as the user’s name, telephone number, address, etc. The user interface also includes a field where the party can initiate an electronic chat session by, for example, clicking on an icon.

The Examiner submits that the plural data entry fields correspond to a plurality of selectable options.

However, the user interface in Stranberg is not an advertisement. In addition, the data entry fields are not associated with different information delivery processes.

Moreover, Stranberg does not transmit information associated with the advertisement via the selected information delivery process. Furthermore, Stranberg does not transmit information associated with the advertisement based on input received from the user depending on the selected information delivery process. In addition, the user selection is not provided to a third party in Stranberg. Furthermore, the user selection is not sent to a second website in Stranberg.

Instead, in Stranberg, the user input is received through the data entry fields at the same time that the option of selecting an electronic chat session. In addition, the user only has the option of selecting to initiate an electronic chat session. The website provider chooses how to provide any additional information to the user. In Stranberg, the web site providing the product information is a second party – the website is directly involved in the interaction. The Examiner submits that a consumer requesting information to be sent to his email address satisfies the limitations of claim 25. Applicants disagree with the Examiner's characterization of claim 25. Claim 25 does not require that the additional information be sent to a second website. Claim 25, instead, relates to sending the identification of the selection to a second website. The user already knows what selection they made; thus, it would be meaningless to send the indication to the user's email at a second website.

Applicants submit there is no motivation to modify Stranberg to arrive at the presently claimed invention. Applicants submit the Examiner is using impermissible

hindsight to modify Stranberg to arrive at the presently claimed invention.

Stranberg is directed to solving the problem of telephone customer service systems and in particular that if a user places an information request online and the information provider would like to call the user, the information provider cannot contact the user because the user is connected to the Internet via their telephone line. Accordingly, there system provides an immediate electronic chat session over the Internet so that the information provider and user can communicate in real time. In contrast, the problem solved by the presently claimed invention is related to different users desiring different methods of delivering information and allowing users to select a delivery option in a quick and efficient manner based on the user's desire. By providing multiple, selectable delivery options in the advertisement, user information needed by the system can be specific to the selected delivery option. One of skill in the art, based on the disclosure of a call center with an electronic chat feature, would not modify the call center system to arrive at the presently claimed invention.

The Examiner submits Patterson in view of Stranberg discloses the limitations of the pending claims. However, as described above, Stranberg fails to disclose a plurality of selectable delivery options.

Thus, the cited art fails to teach or suggest all of the limitations of independent claims 1, 17, 21 and 25-27. Claims 2-16, 18-20 and 22-24 depend,

directly or indirectly, from one of the foregoing independent claims. Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

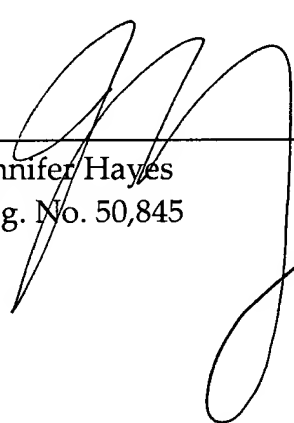
Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jennifer Hayes at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

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